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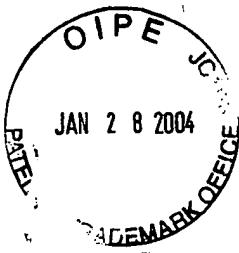
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Zoltan Nagy et al.

Application No: 10/001,934

Filed: November 15, 2001

For: HUMAN POLYPEPTIDES  
CAUSING OR LEADING TO THE  
KILLING OF CELLS INCLUDING  
LYMPHOID TUMOR CELLS

Attorney Document No. GPCG-P01-003

Art Unit: 1642

Examiner: Canella, Karen A.

Confirmation No.: 8886

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

January 26, 2004

Date of Signature and of Mail Deposit

Mary Jane DiPalma

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.48(a)**

Sir:

Applicants respectfully request that Robert Rauchenberger be added as an inventor in the above-identified application.

**REMARKS**

This petition is submitted in accordance with 37 C.F.R. 1.48 (a) to convert the above-identified application from an application of Zoltan Nagy, Christoph Brunner, Michael Tesar, and Elisabeth Thomassen Wolf to an application of Zoltan Nagy, Christoph Brunner, Michael Tesar, Elisabeth Thomassen Wolf, and Robert Rauchenberger. These five individuals are the actual inventors of the invention described and presently claimed in the application.

### ATTACHMENTS

Accompanying this petition are

- (a) statement by the added inventor, Robert Rauchenberger establishing that the error occurred without deceptive intent,
- (b) a statement by the assignees, GPC Biotech AG and Morphosys AG establishing consent,
- (c) a declaration/oath of inventorship executed by Robert Rauchenberger as required by 37 C.F.R. 1.63, and
- (d) a copy of an assignment from the added inventor (to be submitted for recordation separately).

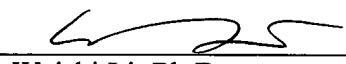
### CONCLUSION

Applicants request that the petition fee in the amount of \$130.00 be charged to **Deposit Account No. 18-1945.**

Respectfully Submitted,

Date: Jan. 26, 2004

**Customer No: 28120**  
Docketing Specialist  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
Fax: 617-951-7050

  
\_\_\_\_\_  
Weishi Li, Ph.D.  
Reg. No. 53,217



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Zoltan Nagy et al.

Application No: 10/001,934

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1/26/04

Date of Signature and of Mail Deposit

Mary Jane DiPalma

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF ROBERT RAUCHENBERGER**

Sir:

I, Robert Rauchenberger residing at Esterbergstr. 9, 82490 Farchant, GERMANY, hereby states that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Zoltan Nagy, Christoph Brunner, Michael Tesar, and Elisabeth Thomassen-Wolf and presents claims directed to polypeptide compositions which bind to cell surface epitopes.
3. The inadvertent omission of my name as an inventor occurred without any deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 22.1.04

  
\_\_\_\_\_  
Robert Rauchenberger



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zoltan Nagy et al.

Application No: 10/001,934

Filed: November 15, 2001

For: HUMAN POLYPEPTIDES  
CAUSING OR LEADING TO THE  
KILLING OF CELLS INCLUDING  
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Mail Stop Petitions  
Commissioner for Patents  
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Alexandria, VA 22313-1450

Attorney Document No. GPCG-P01-003

Art Unit: 1642

Examiner: Canella, Karen A.

Confirmation No.: 8886

**CONSENT OF ASSIGNEES**

Sir:

Assignees, GPC Biotech AG, a corporation with executive offices at Fraunhoferstraße 20, 82152 Martinsried, Munich, Germany, and MORPHOSYS AG, with executive offices at LenaPChrist-Str. 48, 82152 Martinsried, Munich, Germany, hereby consent to Petitioner/Inventors' request to amend the inventorship under 37 C.F.R. §1.48(a) to add Robert Rauchenberger as an inventor in the present application.

Respectfully submitted,  
GPC Biotech AG

By: D. Bräuer  
Name: David Bräuer  
Title: VP, Executive from Proprietary  
Date: 25 November 2002

Respectfully submitted,  
Morphosys AG

By: J.V. M. J.A. T. K.  
Name: Bernhard Winkler Tanja Henner  
Title: Senior Director, IP Munich IP + Techn. Director  
Date: Jan. 22, 2004 Jan 22, 2004



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HUMAN POLYPEPTIDES CAUSING OR LEADING TO THE KILLING OF CELLS  
INCLUDING LYMPHOID TUMOR CELLS**

the specification of which was filed on November 15, 2001 as Application No. 10/001934.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Ropes & Gray LLP, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

**FOREIGN PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

- no such foreign applications have been filed  
 such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|--------------------|---------|----------------|--------------------------------------|
|                    |         |                | Yes No _____                         |
|                    |         |                | Yes No _____                         |
|                    |         |                | Yes No _____                         |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing |
|--------------------|---------|----------------|
| 00110065.0         | Europe  | May 12, 2000   |
|                    |         |                |
|                    |         |                |

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- no such U.S. provisional applications have been filed.
- such U.S. provisional application have been filed as follows:

| Application Number | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|--------------------|----------------|--------------------------------------|
|                    |                | Yes No _____                         |
|                    |                | Yes No _____                         |
|                    |                | Yes No _____                         |

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

- no such U.S./PCT applications have been filed.  
 such U.S./PCT application have been filed as follows:

| Application Number | Relationship         | Parent Application | Date of Filing |
|--------------------|----------------------|--------------------|----------------|
| 10/001,934         | continuation-in-part | PCT/US01/15625     | May 14, 2001   |
|                    |                      |                    |                |
|                    |                      |                    |                |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 28120

all of Ropes & Gray LLP, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Matthew P. Vincent, whose address is:

Ropes & Gray LLP  
One International Place  
Boston, Massachusetts 02110-2624

Please direct telephone calls to: Matthew P. Vincent at (617) 951-7739.

Please direct facsimiles to: (617) 951-7050

|   |      |
|---|------|
| Full name of sole or first inventor<br><b>Zoltan Nagy</b>                   |      |
| Sole or first inventor's signature<br>submitted previously                  | Date |
| Residence<br><b>München, Germany</b>  |      |
| Citizenship    German   |      |
| Mailing Address<br><b>Geigenbergerstr. 41<br/>81477 München<br/>GERMANY</b> |      |

|  |      |
|--|------|
| Full name of second inventor, if any<br><b>Christoph Brunner</b> |      |
| Second inventor's signature<br>submitted previously              | Date |
| Residence  |      |
| Citizenship    German  |      |
| Mailing Address<br><b>Kreutweg 8<br/>83673 Bichi<br/>GERMANY</b> |      |

|  |      |
|--|------|
| Full name of third inventor, if any<br><b>Michael Tesar</b>                |      |
| Third inventor's signature<br>submitted previously                         | Date |
| Residence<br><b>Weilheim, Germany</b>                                      |      |
| Citizenship    German  |      |
| Mailing Address<br><b>Karolingerstr. 26<br/>82362 Weilheim<br/>GERMANY</b> |      |

|   |      |
|---|------|
| Full name of fourth inventor, if any<br><b>Elisabeth Thomassen-Wolf</b> |      |
| Fourth inventor's signature<br>submitted previously                     | Date |
| Residence<br><b>München, Germany</b>                                    |      |
| Citizenship    German   |      |
| Mailing Address<br><b>Klingstr. 12/3<br/>81369 München<br/>GERMANY</b>  |      |

|   |                 |
|---|-----------------|
| Full name of fifth inventor, if any<br><b>Robert Rauchenberger</b>  |                 |
| Fifth inventor's signature<br> | Date<br>22.1.04 |
| Residence<br><b>Farchant, Germany</b>   |                 |
| Citizenship    German   |                 |
| Mailing Address<br><b>Esterbergstr. 9<br/>82490 Farchant<br/>GERMANY</b>  |                 |

**ASSIGNMENT**

WHEREAS, the Undersigned has developed certain inventions described in U.S. patent application titled:

**HUMAN POLYPEPTIDES CAUSING OR LEADING TO THE KILLING OF CELLS  
INCLUDING LYMPHOID TUMOR CELLS**

filed on November 15, 2001, U.S. Application No. 10/001,934; and has full right to convey their entire interest, both legal and equitable, in and to said inventions free from all prior assignments, agreements, licenses, mortgages, security interests, or other encumbrances whatsoever; and

WHEREAS, MorphoSys AG, ("ASSIGNEE"), a corporation having executive offices at Lena-Christ-Straße 48, 82152 Martinsried/Munich, Germany, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of the sum of One Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Undersigned, each of the Undersigned hereby sells, assigns and transfers unto said ASSIGNEE, its successors and assigns, their entire right, title and interest in and to said invention or inventions, as described in the aforesaid application and all applications resulting therefrom, including any and all divisions, continuations, continuations in part, substitute applications, and reissues or extensions thereof; and all resulting patents.

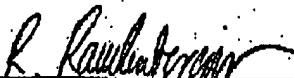
AND the Undersigned hereby authorizes and requests the issuing authority to issue any and all patents on said application or applications to said ASSIGNEE or its successors and assigns; the Undersigned agree(s) that the attorney of record in said application shall hereinafter act on behalf of said ASSIGNEE.

AND, the Undersigned further agrees, without any further payment or compensation by said ASSIGNEE or its successors and assigns, to communicate to said ASSIGNEE, its representatives or agents or its successors and assigns, any facts relating to said invention or inventions including evidence for interference purposes or for other legal proceedings whenever requested; to testify in any interference or other legal proceedings, whenever requested; to execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective; and to generally do everything possible to aid said ASSIGNEE, its successors or assigns and nominees to secure, obtain and enforce proper patent protection for said invention or inventions in this or any foreign country.

The undersigned hereby authorizes Ropes & Gray, of One International Place, Boston, MA 02110, to insert hereon any further identification information necessary or desirable for recordation of this document.

Inventor(s)

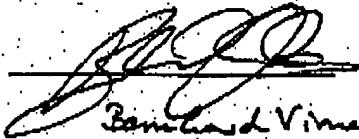
1.



Robert Rauchenberger

Date Signed

22.1.04

Witness  
Bimalendu Vinukur